

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

United States v. Christopher James DeMure
Case No. 3:18-cr-00064-TMB

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

The matter comes before the Court on Defendant Christopher James DeMure's Motion Requesting Revision of Sentence (the "Motion").¹ DeMure requests that the Court revise its imposed period of incarceration from one year to one year and one day.² The Government opposes the Motion.³

DeMure's sentence was imposed at the time it was orally pronounced, which was at DeMure's sentencing hearing on August 14, 2020.⁴ The Court sentenced DeMure to exactly one year of incarceration.⁵ Pursuant to 18 U.S.C. § 3582 and Rule 35 of the Federal Rules of Criminal Procedure, the Court may modify an imposed sentence for a limited set of reasons, including, for example, to correct an "arithmetical, technical, or other clear error."⁶ None of those reasons are available to DeMure in this case. The Court has no authority to reopen sentencing and DeMure does not cite to any authority in support of his request to increase his term of imprisonment to provide the opportunity to earn good time credit.⁷ The term of imprisonment orally imposed at sentencing must remain unchanged.

For the foregoing reasons, DeMure's Motion is **DENIED**.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: October 13, 2020.

¹ Dkt. 173 (Motion).

² *Id.* at 1.

³ Dkt. 177 (Opposition).

⁴ *United States v. Aguirre*, 214 F.3d 1122, 1125 (9th Cir. 2000) (citing Fed. R. Crim. P. 35(c)); *United States v. Rojas-Martinez*, 814 Fed. App'x 241, 243 (9th Cir. 2020) (citing *Aguirre* for the proposition that "[t]he actual imposition of sentence occurs at the oral sentencing").

⁵ Dkt. 167 (Minute Entry).

⁶ Fed. R. Crim. P. 35(a); *see* 18 U.S.C. § 3582(c).

⁷ *See* Dkt. 173.